



STATE OF ARIZONA

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GOVERNOR

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July 2, 2007

The Honorable Timothy S. Bee
President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1166: applicability; self-defense

Dear President Bee:

Today I vetoed Senate Bill 1166, a second legislative effort to apply retroactively the self-defense bill enacted last session.

While I appreciate the legislature's efforts to narrow this bill from Senate Bill 1302, which I vetoed earlier this year, Senate Bill 1166 continues to be problematic. Among other things, prosecutors believe that the proponents of this bill have underestimated the number of cases that would have to be re-tried under this bill. Any bill that would force the re-trial of a serious criminal and force the victims of the crime to again relive their experience must be viewed with great skepticism.

This bill also unfairly differentiates between defendants who entered into plea agreements and those who did not. Two similarly situated defendants could have taken identical action on the same date and one of them would be subject to criminal sanctions simply because they pled to an offense while the other is given a new trial to avail himself of the self-defense law. This result raises equal protection concerns.

Such disparities also illustrate why it is important that when the legislature intends for a bill to be applied retroactively, it make that intent evident at the time it passes legislation. Otherwise, disparities result that may be irreparable.

For these and other reasons, I have vetoed Senate Bill 1166.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", with a long horizontal flourish extending to the right.

Janet Napolitano
Governor

JN:TAN/jm

cc: The Honorable Jim Weiers
The Honorable Linda Gray